

**VILLAGE OF UPPER NYACK
ARCHITECTURAL REVIEW BOARD MEETING
Monday, April 12, 2021**

Minutes

A meeting of the Architectural Review Board of the Village of Upper Nyack was held on the above date via videoconferencing in accordance with the Governor's Executive Order 202.1 due to the COVID-19 emergency and called to order at 6:00pm by Vice Chairman, Gretchen Reinheimer.

Other Board members present: Michael Williams, Silvia Luzi, Eileen McCabe-Sares and Thomas Gaffney.

Also present: Noelle C. Wolfson, Esq., Consulting Attorney; Jillana Sinnott, Secretary

6:01pm: Chairman, Michael Williams opened the meeting and asked for a motion on the minutes.

Approval of Minutes: Board Member Gretchen Reinheimer moved to approve the Draft Minutes as amended from March 8, 2021; SECOND: Eileen McCabe-Sares.

6:05pm: **Giuseppe and Denise Pagano, 309 North Broadway, County Map No. 60.18-01-42.1.**

Said property is located in Residential Zoning District R-4.

This Applicant submitted to the clerk the Certificate of Mail receipts of neighbor notification.

The Application was represented by Carolle Huber, Landscape Designer and Giuseppe and Denise Pagano, Homeowners.

The Applicant reviewed the submitted plan for the addition of an in ground pool with decking and retaining walls on an existing single family residence. There will be Techo block pavers around the pool. The slope will be cut back for the pool. There will be steps added. The pool will have a natural shape. Kearny dry laid stone slab wall and steps to match the existing stone as best as possible.

The Board reviewed the plan.

Member Gaffney asked if the retaining wall was 3 ½'H to meet existing grade. The Applicant stated that was the reason for the height.

The fencing was discussed. The Applicant stated that the fencing will be brought up to code where needed. The current fence at the driveway is PVC. 4'6"H is code for pool fencing. The Board discussed how the property is fully fenced in but some of the fencing belongs to the neighbors. The Chairman noted that the Architectural Review Board is only reviewing the architectural features of the fence not the envelope, which would be approved by the Planning Board. The

Applicant is not sure yet what type of material or color the new fencing will be. They would like it to disappear with the landscape. There was a discussion of using a split rail cedar fence with black mesh behind it for the pool with a height of 4'H, which is code. Any fencing that is not to code or where there is no fence will be replaced as needed.

Member Gaffney feels that the fence type and color it is not being clearly defined and would like them to come back with the details.

MOTION: Member Silvia Luzi moved to open the public hearing: **SECOND:** Gretchen Reinheimer. Unanimously **APPROVED**

There were no comments from the public.

Member Reinheimer liked the split rail fence shown but is unsure where it is going to be located on the property. The Applicant stated it would be along the property line where needed because of the existing not meeting code and around the pool.

The Chairman would like to see in detail where the fencing will be and what it will look like. The finish schedule should be revised and the plan updated with where the fencing will be placed.

MOTION: Member Thomas Gaffney moved to continue the public hearing to the May 10, 2021 meeting: **SECOND:** Silva Luzi. Unanimously **APPROVED**

6:45pm: David and Deirdre McLary, 122 Locust Drive, County Map No. 60.09-03-01.

Said property is located in Residential Zoning District R-3.

This Applicant submitted to the clerk the Certificate of Mail receipts of neighbor notification.

The Application was represented by David McLary, Homeowner; Lisa Mercurio, Architect; and Tim Rhode, Engineer.

The Applicant reviewed the proposed new rear deck on an existing single family residence. This deck will be replacing the smaller existing deck. There will be two sets of stairs. One set of stairs will go to the yard and the other set will go to the side of the house where there is a path to the front. The deck will be made of Trex decking in Havana Gold with a black aluminum railing with a flat wooden top.

The Board reviewed the plan.

The Chairman noted that the property is concealed with vegetation on the west side and only the north and east sides are visible.

MOTION: Member Gretchen Reinheimer moved to open the public hearing: **SECOND** Eileen McCabe-Sares; Unanimously **APPROVED**

There were no comments from the public.

MOTION: Member Eileen McCabe-Sares moved to close the public hearing: SECOND Gretchen Reinheimer; Unanimously APPROVED

The BOARD had no further questions.

MOTION: The Board moved to recommend approval of the last revised plans dated 02/23/2021, page A1 by Bart M. Rodi, Engineer, Engineer for McLary Residence as submitted, to the Planning Board on the condition that the applicant comply with the above referenced plans and that the finishes are as indicated on the finish schedule submitted by the Applicant. The Board will submit a recommendation form to the Planning Board as a record of the recommendation of approval.

MOTION BY: Gretchen Reinheimer

SECOND: Silvia Luzi

VOTE: Unanimously APPROVED

6:53pm: Torrent Motorworks, LLC, 500 N. Highland Avenue, County Map No. 59.12-02-04.

Said property is located in Laboratory-Office District LO.

This Applicant submitted to the clerk the Certificate of Mail receipts of neighbor notification.

The Application was represented by Tico LeMoine, business owner.

The Applicant reviewed proposed signage for the north and east side of the building. The sign consists of the logo of Torrent Motorworks and the name. The sign will be 8'x18". There is an old security light that will be replaced with an LED light on the east side that will highlight the sign. The front and side of the property will be planted with grass. The dead trees will be cleaned up and no new ones will be planted.

The Board reviewed the plan.

Member Luzi inquired what the size of the overhead door was. The applicant stated that the door is 10'W. Member Luzi then stated that the proportions of the sign are not correct. The size of the proposed sign is 8'Wx18"H. The Board discussed the proportions of the sign.

The Chairman noted that the design is acceptable but the proportions of the drawing are off.

MOTION: Member Thomas Gaffney moved to open the public hearing: SECOND Gretchen Reinheimer; Unanimously APPROVED

There were no comments from the public.

MOTION: Member Thomas Gaffney moved to close the public hearing: SECOND Michael Williams; Unanimously APPROVED

The BOARD had no further questions.

MOTION: The Board moved to approve the 8'Wx18"H sign to be placed on the north and east side of the building, from drawings received March 5, 2021.

MOTION BY: Gretchen Reinheimer

SECOND: Michael Williams

VOTE: Unanimously APPROVED

7:19pm: Rodney and Laura Carpentier, 508 West Pond Road, County Map No. 60.09-02-02.

Said property is located in Residential Zoning District R-2.

This Applicant submitted to the clerk the Certificate of Mail receipts of neighbor notification.

The Application was represented by Matthew Sprake, owner of Tristate Solar.

The Applicant reviewed the application for a rooftop solar system which has already been installed without a permit. The skylights are able to be seen more than the solar panels on the roof. The views of the neighbors were shown. The piping on the roof is spray painted black. They are hoping to get this approval as quick as possible so that the applicant can start receiving their credits.

The Board reviewed the plan.

The Chairman noted that the array is not accurate on the plans of what is in the photo of the rear roof. The Applicant stated that they had to move over the panel on the bottom by 10".

The views of the neighbors were discussed. The Chairman noted that there is no photo of the view from the neighbor to east. The panels on the front of the view were discussed. The panels are centered on the front of the roof. The Chairman asked if there was a glare or reflection from across the pond. The Applicant stated there was not a glare or reflection from the eastern view. Member Luzi noted that the layout is ideal on the front of the house. The back is acceptable but the plan needs the layout corrected.

MOTION: Member Eileen McCabe-Sares moved to open the public hearing: **SECOND** Silvia Luzi; Unanimously APPROVED

There were no comments from the public.

MOTION: Member Silvia Luzi moved to close the public hearing: **SECOND** Eileen McCabe-Sares; Unanimously APPROVED

The BOARD had no further questions.

MOTION: The Board moved to approve the rooftop solar that was installed before a permit was obtained last revised plans dated 03/9/2021, page T-1 to T-4 by Tri-State Solar Services for the

Carpentier Residence with the provision that the plans be revised to match the correct layout of the west side of the roof.

MOTION BY: Gretchen Reinheimer

SECOND: Thomas Gaffney

VOTE: Unanimously APPROVED

The Chairman noted that the solar company should make sure that all permits are obtained correctly if any future contracts should be made in the Village of Upper Nyack. If this happens a second time it will be looked down upon by the Board if the requirements are not followed.

Other Business:

The Village Consulting Attorney discussed the draft Architectural Review Board application and checklists, which, if adopted, each applicant would be required to submit prior to being placed on an ARB agenda. The Building Department has made some suggestions to the checklists which have been updated and distributed to the Board. The Board Members discussed the checklists. The Chairman noted that the checklists look good but there could be changes made by the Board of Trustees.

Member Luzi suggested that on #3 of the solar checklist the words “should be” should be removed.

There was a discussion about whether an applicant would need an updated survey to present to the Board. The Village Consulting Attorney stated that as long as the property is shown correctly it would be ok. It would be reviewed when submitted.

There was a discussion regarding putting up a fence within a fenced in area. Such as a fence for chickens. Currently the law states that all fences need a permit. Therefore a fenced run associated with a chicken coop requires ARB approval in addition to a special use permit for the keeping of chickens from the ZBA.

The Chairman reviewed how Vice Chairman Reinheimer has done research on the colors and types of siding and has compiled a list. This would be a baseline of a color pallet that the Board deems acceptable.

The Village Consulting Attorney will revise the checklists and send to the Board Members.

The meeting was adjourned at 8:04pm by Board Member Gretchen Reinheimer and Seconded by Board Member Eileen McCabe-Sares.

Respectfully submitted,

Jillana Sinnott, Secretary